

ORIGINAL*STIPULATION T*

EDWARDS ANGELL PALMER & DODGE LLP
 Robert Novack (RN 4514)
 750 Lexington Avenue
 New York, New York 10022
 (212) 308-4411

and
 One Giralta Farms
 Madison, NJ 07940
 (973)520-2300
Attorneys for Plaintiffs

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #: *6/26/08*
 DATE FILED: *6/26/08*

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

ORCHID ISLAND TRS, LLC (formerly
 known as Opteum Financial Services, LLC)
 and BIMINI CAPITAL MANAGEMENT,
 INC. (formerly known as Opteum Inc.)

07 Civ. 9550 (LLS)

Plaintiffs,

v.

STIPULATION AND ORDER

INDYMAC BANCORP, INC. and
 INDYMAC BANK, FSB,

Defendants.

WHEREAS, Edwards Angell Palmer & Dodge LLP is counsel to plaintiffs in the above-captioned action; and

WHEREAS plaintiffs moved on May 28, 2008 for leave to amend their complaint in this action in the form annexed as Exhibit A to their Notice of Motion to add a claim against defendants pursuant to the Computer-Related Offenses Act N.J.S.A. 2A:38A-3; and

WHEREAS defendants have advised that they do not oppose plaintiffs' motion, subject to the right to answer or move in response to the amended complaint;

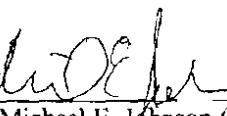
IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, by and between the attorneys for the undersigned parties in the above-captioned action, as follows:

- (1) Plaintiffs are hereby granted leave to file and serve the amended complaint attached as Exhibit A to their May 28, 2008 Notice of Motion, subject to defendants' right to answer or move in response to the amended complaint;
- (2) Plaintiffs shall file and serve the amended complaint within five (5) days of entry of this Order.

EDWARDS ANGELL PALMER & DODGE LLP
750 Lexington Avenue
New York, New York 10022
- and -
One Giraldia Farms
Madison, NJ 07940
Attorneys for Plaintiffs

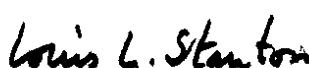
By: 
Robert Novack (RN 4514)
Kenneth Cesta (admitted *pro hac vice*)

ALSTON & BIRD, LLP
90 Park Avenue
New York, New York 10016
(212) 210-9400
Attorneys for Defendants

By: 
Michael E. Johnson (MJ 0299)

SO ORDERED:

Dated: June 25 2008


Hon. Louis L. Stanton, U.S.D.J.